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03-CV-02819-MISC

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AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MARGUERITE ABDULLAH,
Plaintiff,

v.

CITY OF SEATTLE, a Washington
municipal corporation; THE SEATTLE
POLICE DEPARTMENT, a department of
the City of Seattle; B.M. HUNT and J.
WILLIAMS, in their individual capacity,
Defendants.

N
C03-2819
King County Superior Court
Cause No.: 03-2-27483-6SEA

**VERIFICATION OF STATE
COURT RECORDS**

VERIFICATION

The undersigned hereby declare the following:

1. The undersigned are attorneys of record for defendant City of Seattle.
2. Pursuant to CR 101(b), attached are true and correct copies of all records and proceedings in the Superior Court of King County, Washington in the above-entitled action, Cause No. 03-2-27483-6SEA:

VERIFICATION OF STATE COURT
RECORDS - 1

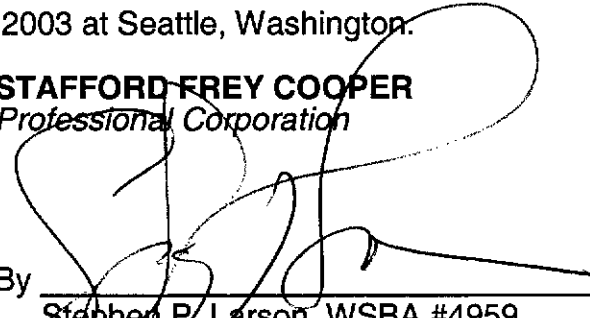
STAFFORD FREY COOPER
Professional Corporation
ATTORNEYS
3100 TWO UNION SQUARE
601 UNION STREET
SEATTLE, WASHINGTON 98101-1374
TEL. (206) 623-9900
Fax (206) 624-6885

<u>Exhibit</u>	<u>Document</u>
A	Civil Cover Sheet, Case Assignment Designation Summons and Complaint for Damages 6/5/03
B	Order Setting Civil Case Schedule
C	Declaration of Service of Summons and Complaint for Damages City of Seattle 8/29/03
D	Declaration of Service of Summons and Complaint for Damages Seattle Police Department 8/29/03
E	Notice of Appearance City of Seattle 9/05/03
F	Notice of Appearance Seattle Police Department 9/12/03

DATED this 15 day of September, 2003 at Seattle, Washington.

STAFFORD FREY COOPER
Professional Corporation

By



Stephen P. Larson, WSBA #4959
Blake E. Dias, WSBA #28169
Attorneys for Defendants

VERIFICATION OF STATE COURT
RECORDS - 2

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Fax (206) 624-8885

RECEIVED
03 AUG 29 AM 11:21
CITY OF SEATTLE
MAYOR'S OFFICE

IN THE SUPERIOR COURT OF WASHINGTON
FOR KING COUNTY

MARGUERITE ABDULLAH,

No. 03-2-27483-6 SEA

Plaintiff,

v.

SUMMONS

CITY OF SEATTLE, a Washington municipal
corporation; THE SEATTLE POLICE
DEPARTMENT, a department of the City of
Seattle, and B.M. HUNT and J. WILLIAMS, in
their individual capacity,

Defendants.

TO CITY OF SEATTLE: A lawsuit has been started against you in the above entitled court by MARGUERITE ABDULLAH, Plaintiff. Plaintiff's claim is stated in the written Complaint, a copy of which is served upon you with this Summons.

In order to defend against this lawsuit, you must respond to the Complaint by stating your defense in writing and serve a copy upon the undersigned attorney for plaintiff within twenty (20) days after the service of this Summons, excluding the day of service, or a default judgment may be entered against you without notice. A default judgment is one where a plaintiff is entitled to what is asked for because you have not responded. If you serve a notice of appearance on the undersigned attorney, you are entitled to notice before a default judgment may be entered.

You may demand that the plaintiff file this lawsuit with the court. If you do so, the demand must be in writing and must be served upon the person signing this summons. Within 14 days after you serve the demand, the plaintiff must file this lawsuit with the court, or the service of this summons and complaint will be void.

SUMMONS - 1

ORIGINAL



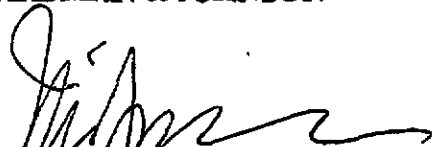
HARDMAN & JOHNSON
119 FIRST AVENUE SOUTH, SUITE 200
SEATTLE, WA 98104
PH: (206) 447-1560 FAX: (206) 447-1523

1 If you wish to seek the advice of an attorney in this matter, you should do so promptly so
2 that your written response, if any, may be served on time.

3 This Summons is issued pursuant to Rule 4 of the Superior Court Civil Rules of the State
4 of Washington.

5 DATED THIS 29th day of August, 2003.

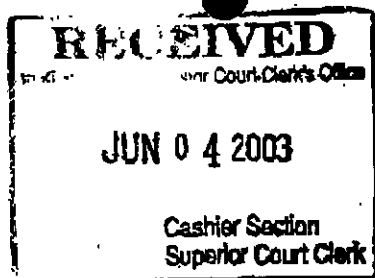
6 HARDMAN & JOHNSON

7 

8 Michael L. Johnson, WSBA #28172
9 Counsel for Plaintiffs
10 119 First Ave. So. - Suite 200
11 Seattle, WA 98104
12 (206) 447-1560
13 (206) 447-1523 (fax)

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.. SUMMONS - 2

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RECEIVED
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KING COUNTY
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SEATTLE, WA

03 - 2 - 27483 - 6SEA

MARGUERITE ABDULLAH,

Plaintiff,

v.

CITY OF SEATTLE, a Washington municipal
corporation; THE SEATTLE POLICE
DEPARTMENT, a department of the City of
Seattle; and B.M. HUNT and J. WILLIAMS,
in their individual capacity,
Defendants.

No.

COMPLAINT FOR
DAMAGES

(With Jury Demand
Upon Removal)

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03 AUG 29 AM 11:21
CITY OF SEATTLE
MAYOR'S OFFICE

COMES NOW the Plaintiff, Marguerite Abdullah, by and through counsel, Hardman,
Johnson & Van Winkle, by Michael L. Johnson, who complains and alleges as follows:

INTRODUCTION.

The Plaintiff, Marguerite Abdullah, hereby asserts the following claims against the
Defendants in the above-entitled action:

- (1) violation of 42 U.S.C. sec. 1983: unlawful stop and false arrest;
- (2) violation of 42 U.S.C. 1983: unlawful detention and confinement;
- (3) violation of 42 U.S.C. sec. 1983: use of excessive force;
- (4) state claims of false arrest and imprisonment, assault, battery, and intentional
infliction of emotional distress (outrage), negligent infliction of emotional distress.

COMPLAINT * 1

COPY

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I. JURISDICTION.

1.1 If removed to federal court, jurisdiction is conferred by existence of a federal question under 42 U.S.C. secs. 1983, 1988, for violations of the Fourth and Fourteenth Amendments to the United States Constitution.

1.2 Plaintiff's state law claims are authorized by F.R.Civ.P. 18(a), arises as set forth in F.R.Civ.P. 18(a), and arises under the doctrine of pendent jurisdiction.

1.3 To the extent this Complaint is removed to federal district court, the Plaintiff hereby demands a trial by jury, and reserves the right to file a proper jury demand in state court.

1.4 A claim for damages was properly filed for the purpose of state law claims. More than 60 days has elapsed since the filing of the claim with the City of Seattle and the filing of this Complaint.

II. PARTIES.

2.1 The Plaintiff, Marguerite Abdullah, is a natural person who is and was a resident of the City of Seattle, King County, Washington at all times relevant to the matters alleged in this Complaint. She is gainfully employed by the Seattle School District.

2.2 Defendant City of Seattle is a municipal corporation organized by charter under the Constitution and laws of the State of Washington. The City is responsible for the policies, procedures, and practices implemented through its various agencies, agents, departments, and employees, and for injury occasioned thereby. The City was also the public employer of Defendants Hunt and Williams at all times relevant to the matters alleged in this Complaint.

2.3 Defendant City of Seattle Police Department is a department of the municipal government of the City of Seattle organized by charter and the laws of the State of Washington.

COMPLAINT - 2

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1 2.4 Defendant Hunt is a natural person who was a resident of the State of Washington
2 and a duly appointed police officer in the City of Seattle Police Department for all times relevant
3 to the matters alleged in this Complaint.

4 2.5 Defendant Williams is a natural person who was a resident of the State of
5 Washington and a duly appointed police officer in the City of Seattle Police Department for all
6 times relevant to the matters alleged in this Complaint.

7 2.6 The Defendant City is responsible for the promulgation and implementation of
8 police policies, procedures, and practices in the City of Seattle. It is also responsible for training
9 of police officers, including Hunt, Williams, and the unknown defendants.

10 2.7 Defendant John Doe and others not presently known to the plaintiff were, at all
11 times relevant to the matters alleged in this Complaint, duly appointed police officers of
12 unknown rank in the City of Seattle Police Department, and according to information and belief,
13 include supervisors of Defendants Hunt and Williams.

14 2.8 Plaintiff sues all public employees for damages in their individual capacity.

15 2.9 At all times relevant to the matters raised in this Complaint, Defendants Hunt,
16 Williams, John Doe, and other public employees unknown, acted toward the Plaintiff under color
17 of law, including the statutes, ordinances, customs, and usages of the State of Washington and
18 the City of Seattle, including the City of Seattle Police Department.

19 2.10 Reference to Defendants Hunt and Williams below is intended to include all
20 Defendants.

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.. COMPLAINT • 3

III. STATEMENT OF FACTS.

3.1 Plaintiff hereby realleges the content of the foregoing Sections and by this reference incorporates them herein.

3.2 On April 7, 2001, at approximately 1:00 AM, after attending a social gathering Marguerite Abdullah ("Marguerite") was travelling northbound on 20th Avenue near Fir Street in Seattle, Washington in her Mazda automobile. She made a u-turn in order to telephone her mother as she had promised. The area near 20th and Fir is extremely dark at night, so she proceeded southbound to a place where it was felt safer to make the call. She obeyed all traffic rules, and proceeded past a police car blocking the street before turning west on Yesler Street. The police officer assigned to the car was either Defendant Hunt or Defendant Williams. She legally parked midway between 19th and 20th Avenues. Her son, James Bailey, was a passenger in her car.

3.3 Marguerite retrieved her cell phone from the trunk, and began walking back to the driver's seat of her car. Before sitting down, a second police car with flashing lights approached from behind her car and stopped. A second police officer, either Hunt or Williams, approached and asked if there was a problem, and Marguerite answered, "No" in a pleasant voice. He asked for proof of license, proof of ownership of the car, her name, and where Marguerite's destination. Marguerite was cooperative and answered all questions.

3.4 Marguerite did not have the license in the passenger compartment of the car, and offered to obtain her identification from the trunk of the car. The second officer did not object. As Marguerite approached the trunk, the first officer vigorously approached her, yelling, "You're obstructing justice, I can arrest you." The second officer appeared startled. The first officer

COMPLAINT • 4

1 continued to approach Marguerite, yelling, "You're obstructing justice!" She replied calmly,
2 "What did I do, what are you talking about?" She also explained she was cooperating with the
3 second officer and retrieving her identification from the trunk.

4 3.5 The first officer with an open hand, thumb pointing north and remainder of four
5 fingers pointing south made initial physical contact with Marguerite's right upper arm and mid-
6 triceps. Marguerite asked, "Why are you doing this?" The first officer repeated, "You're
7 obstructing justice, I can arrest you." His hand made repeated contact. Marguerite asked the first
8 officer, "Why are you hitting me, take your hand off of me in that, what did I do to obstruct
9 justice?" The first officer responded by stepping to her right, grabbing her right arm, pulling her
10 away from the side of her car, and pushing and shoving her buttocks towards the curb on Yesler
11 Street.

12 3.6 At the time, Marguerite was diagnosed with asthma. The physical contact
13 described above triggered an asthma attack. It was difficult for her to breathe, she gasped for
14 breath, her chest tightened rapidly, she wheezed, and she increasingly coughed. She was
15 exhausted and could not readily communicate further. She feared for her life because she knew
16 she was having a severe asthma attack.

17 3.7 James, her son, became upset, and communicated to the officers that they were
18 engaging in inappropriate behavior. He attempted to open the passenger door, but an officer put
19 his shoe on the door to keep James from exiting the car. Marguerite's asthma attack worsened,
20 and she told James, "Stop it, James. Let them take me to jail, they're not going to let me go."

21 3.8 The first officer then said, "You're under arrest." All verbal accusations stopped.
22 One of the officers had handcuffed Marguerite very tightly, and her watch was stripped off and
23

.. COMPLAINT - 5

1 lost. By this time, there were several police officers standing around. None interceded. An
2 officer grabbed Marguerite by her upper left triceps, squeezed very tightly, and walked
3 Marguerite to the police car behind her Mazda.

4 3.9 Marguerite repeatedly requested, "I am an asthma patient, I need my asthma
5 medications." Her inhaler was inside the car next to the driver seat. The remainder of her
6 asthma medication (alburta increased dosages, advair fluticasone propionate 100mcg/saleterol 50
7 mcg inhalation powder and eye allergy relief) was in her purse along with my driver's license and
8 wallet, which was in the trunk of her car.

9 3.10 Marguerite was thrown by an officer into the back seat of the police car with her
10 car keys and coin purse, and then the officer left, approaching the Mazda. She continued to have
11 a severe allergy reaction. The officer did not retrieve the asthma medication from her car.
12 Instead, the officer assisted another in searching her car. One of the officers first searched the
13 inside of the car from front to back, and then proceeded to search the trunk, throwing
14 Marguerite's belongings around. Marguerite observed the officer search her purse and asked,
15 "What are you looking for, Oh, Oh, what are you doing?" Marguerite also observed the officer
16 take some items from her purse. No asthma medication was retrieved and given to Marguerite.

17 3.11 An officer came to the police car, opened the door, sat down, and stated that
18 Marguerite was arrested for obstructing justice and driving under the influence. She was read her
19 Miranda rights. Marguerite asked, "What did I do, first you tell me I'm obstructing justice, and
20 you add another charge." Marguerite sat in the back of the vehicle gasping for air and coughing.
21 She remained handcuffed.

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COMPLAINT - 6

1 3.12 The officer proceeded westbound on Yesler to the East Precinct at 12th Avenue
2 and Pine Street. Marguerite was taken inside, stood in front of a table, and a female officer
3 approached. She told Marguerite, "Stop moving." Marguerite responded, "I am an asthma
4 patient, I have asthma, I'm very uncomfortable, did they get my medication, they took my
5 wallet." She continued to experience a severe asthma attack.

6 3.13 The female officer probed Marguerite's mouth for foreign objects even while
7 Marguerite continued to cough and gasp for air. The female officer released the handcuffs and
8 commented, "She's strong". The female office then searched Marguerite.

9 3.14 Marguerite asked for some water, and was led to a restroom by an officer. She
10 drank some water and used the restroom. She was faint, started bending forward, fell to the floor
11 wheezing and gasping for air. Officers in the East Precinct commented, "she doesn't have
12 asthma, she's just hyperventilating, my child has asthma, they never act like that, she's faking",
13 as they conversed among themselves and laughed.

14 3.15 When medics eventually arrived, Marguerite was on her hands and knees on the
15 floor and her asthma attack continued. The medics told her, "Get up off the floor and sit on this
16 chair if you want us to help you." She tried, but she was physically weakened. The medics then
17 took Marguerite's blood pressure while she was on the floor, said she was okay, and left.

18 3.16 Marguerite was instructed to go into a cell by a male officer, and did so, again
19 falling to the floor, continuing to wheeze, gasp, and cough. An officer entered and said, "Sign
20 this paper giving us permission to take a DUI test, if you don't you could be found guilty."
21 Marguerite began to read, and the officer repeated loudly in an intimidating voice, "If you don't
22 sign you can be found guilty for refusing to take the test." The officer left the cell and returned
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.. COMPLAINT - 7

1 shortly and stated angrily, "I'm going to give you one more chance to sign." Marguerite
2 responded, "I want to make a phone call to my family; I want to call a lawyer." The officer
3 picked up the form briskly from the floor, left the cell, returned to the cell and told me, "I have
4 someone on the phone for you, the phone is this way."

5 3.17 Marguerite followed the officer to a telephone. The officer picked up the receiver
6 and said, "I called you a lawyer." Marguerite responded, "I said I would like to call a lawyer."
7 The officer ordered, "Sit down in that chair." She informed the officer, "I'm uncomfortable in a
8 sitting position," and asked if she could return to the cell. The wheezing, gasping and coughing
9 continued. The officer warned her, "Sit down, don't leave the room." Marguerite replied, "There
10 is nowhere can I go. I don't want to be killed in here." She sat in the chair and waited until the
11 officer allowed her to return to the cell. The time was approximately 2:30 AM. She was without
12 asthma medication or treatment for about one and a half hours.

13 3.18 Before entering the cell Marguerite asked if she could go to the bathroom, and the
14 officer responded, "I'll send a female officer out." She was placed in the cell with the door closed
15 and again fell to the floor wheezing, coughing, and gasping. She knocked on the door, an officer
16 responded, and again asked to go to the bathroom. Without response, the door closed.

17 3.19 An officer opened the door and stated Marguerite would be transported to King
18 County Jail. She again asked to use the bathroom before leaving. The officer said, "I have to get
19 your paperwork." The officer left. The paperwork was not in the holder outside the door. The
20 door opened, the officer returned and said, "They told me you have used the restroom, let's go."
21 Marguerite was again handcuffed, and followed the officer to his vehicle, continuing to wheeze,
22 gasp, and cough, and with a continuing need to go to the bathroom.

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.. COMPLAINT - 8

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1 3.20 Marguerite was transported in the back seat of the officer's vehicle, the officer
2 ordering her to, "Be still." They arrived at the King County Jail, where she was booked. Her
3 asthma attack continued. She was instructed to stand in a designated area by a female officer
4 who asked, "Do you have pneumonia?" Marguerite responded, "I am an asthma patient."

5 3.21 The female officers paused, and then asked, "Do you have your asthma
6 medication?" She asked the transporting officer if medications were checked in, and the officer
7 responded, "No medication." The transporting officer began to state the items he checked in.
8 Marguerite informed the female officer, "They would not get my asthma medication." The
9 female officer took Marguerite to a registered nurse, and provided her with water. A nurse
10 arrived. The female officer stated, "She is having an asthma attack." The nurse checked
11 Marguerite's blood pressure, heart rate and lungs. The nurse started to give Marguerite an
12 inhaler, but changed her mind.

13 3.22 Marguerite was walked back to the booking area, continuing to wheeze, gasp, and
14 cough. The female officer and the nurse decided to not start the booking process. They said,
15 "Rush her to Harborview Hospital immediately." The officer who drove me to King Count Jail
16 handcuffed Marguerite again and drove her to Harborview Hospital, where she arrived at
17 approximately 6:35AM. Marguerite was without medication for her asthma for about 5 and a
18 half hours.

19 3.23 Marguerite was diagnosed with asthma exacerbation and treated. She was given
20 an inhaler. She was discharged into police custody at approximately 8:10 AM, handcuffed again,
21 and transported back to the King County Jail. She obtained bail at approximately 9:00 AM, and
22 was released.

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.. COMPLAINT - 9

IV. CLAIMS.

Plaintiff hereby realleges the contents of the prior Sections and by this reference incorporates them herein as to all Counts below, with additional facts also set forth for each individual Count.

COUNT 1 - VIOLATION OF 42 U.S.C. § 1983:

UNLAWFUL STOP AND ARREST

4.1 The above-referenced facts give rise to a violation of 42 U.S.C. § 1983.

4.2 At all times relevant herein, the conduct of all Defendants were subject to 42 U.S.C. §§ 1983 and 1988.

IDENTIFICATION OF RIGHT VIOLATED

4.3 Acting under the color of law, Defendants worked a denial of Marguerite Abdullah's rights, privileges or immunities secured by the Fourth and Fourteenth Amendments to the United States Constitution, violating 42 U.S.C. § 1983 as follows: (1) by depriving Marguerite Abdullah of her liberty without due process of law, by unlawfully stopping and investigating, by falsely arresting her and taking her into custody and holding her there against her will, and by making an unreasonable search and seizure of her car without due process of law. The stop and subsequent arrest, detention, and search of Marguerite Abdullah and her property without reasonable suspicion, without probable cause, and without due process of law. The constitutional violations and liability of the Defendants arises from the foregoing facts and reasons, the following facts and reasons, and from unstated facts and reasons:

4.4 There was no warrant for the arrest of Marguerite Abdullah on April 7, 2001.

4.5 There was no reasonable suspicion for the Defendants to make a traffic stop.

COMPLAINT - 10

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1 4.6 The arrest was without reasonable grounds and was without probable cause to
2 believe that Marguerite Abdullah had committed an offense.

3 4.7 At no time prior to the stop, arrest, and imprisonment of Marguerite Abdullah, has
4 she ever been accused of a criminal offense. She has only had minor traffic infractions.

5 4.8 Marguerite Abdullah was lawfully parked on a public street at the time she was
6 approached by Defendants Hunt and/or Williams. Marguerite Abdullah informed the officers
7 that it was lawful to park her car where it was parked. According to information and belief,
8 Defendants Hunt and Williams did not examine the parking signs in the area despite having this
9 information. Any reasonable suspicion or probable cause to issue a citation was dispelled, but a
10 citation was nevertheless issued.

11 4.9 Marguerite Abdullah informed Defendants Hunt and Williams of the purpose of
12 the stop, dispelling any reasonable suspicion or probable cause to stop her and/or arrest her for
13 obstructing an officer. Marguerite Abdullah never physically interfered with Defendants' Hunt
14 and Williams investigation of any independent criminal offense by other persons. Watching the
15 police is not a criminal offense absent direct physical interference.

16 4.10 Marguerite Abdullah informed Defendants Hunt and Williams she had witnesses
17 that could attest to the fact she was not drinking, dispelling any reasonable suspicion or probable
18 cause to stop her and/or arrest her for driving while under the influence. Defendants Hunt and
19 Williams nonetheless failed to make any inquiries of other witnesses.

20 4.11 Marguerite Abdullah had been at a family gathering and a witness testified at a
21 Department of Licensing hearing that she had not been drinking. An administrative law judge for
22

1 the Washington State Department of Licensing subsequently found there was no probable cause
2 for her arrest for driving under the influence.

3 4.12 Marguerite Abdullah informed Defendants Hunt and Williams of the location of
4 her identification, dispelling any reasonable suspicion or probable cause to further stop her and/or
5 arrest her for failure to provide identification. Marguerite Abdullah at all times offered to
6 provide identification to Defendants Hunt and Williams. Defendants Hunt and Williams
7 repeatedly refused her permission to retrieve her identification, making compliance with their
8 request impossible.

9 4.13 At no time prior to her arrest, or after, did Marguerite Abdullah resist arrest or
10 offer violence to any of the Defendants. The first physical contact between Marguerite Abdullah
11 and the Defendants was the time when she was seized by Defendant Hunt or Defendant Williams
12 on the arm.

13 4.14 On April 7, 2001, citations were issued by Defendants Hunt and Williams for the
14 offense of driving while under the influence, and Marguerite Abdullah was "directly booked",
15 i.e., arrested and detained, solely on that charge. In addition, a citation for blocking traffic was
16 "directly filed," it not being an offense subject to arrest. Marguerite Abdullah was not booked
17 for resisting arrest or obstructing an officer.

18 4.15 On April 9, 2001, the day of Marguerite Abdullah's first court appearance, City
19 Prosecutor's Office added the charges of resisting arrest and obstructing an officer by
20 Information. The Information listed all four charges.

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.. COMPLAINT - 12

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1 4.16 On April 9, 2001, the charges of driving while under the influence, resisting
2 arrest, and obstruction of an officer were all dismissed by the City, with prejudice, at the City's
3 request.

4 4.17 On April 30, 2001, prosecution of the charge of refusal to give information was
5 continued for 365 days for dismissal on conditions. The charge was dismissed with prejudice on
6 April 29, 2002.

7 4.18 No plea of guilty was ever entered in the Seattle Municipal Court. That Court
8 made no findings of fact or determination of guilt.

9 4.19 Defendants Hunt and/or Williams first thought to charge Marguerite Abdullah with
10 obstructing an officer. She was instead charged Marguerite Abdullah with a traffic infraction of
11 obstructing or blocking traffic, but nonetheless failed to check the parking signs prior to issuing
12 and filing the infraction. Because the infraction does not support an arrest, they *ex post facto*
13 extrapolated, in their police report, charges of (a) obstructing an officer (though there was no
14 actual physical interference); (b) driving while under the influence (without investigating ripe
15 witnesses); (3) resisting arrest (even though the first physical contact was by Defendants Officer
16 and Hunt); and, (4) the failure to provide identification (even though the production of
17 identification was offered and the Defendants Hunt and Williams with deliberate indifference
18 refused to allow its production). According to information and belief, the charges were added by
19 the City Prosecutor, at the suggestion of Defendants Hunt and/or Williams, to justify the sham
20 stop, arrest, search, imprisonment, and use of excessive force, i.e., the charges were a pretext for
21 the deprivation of the rights, privileges and immunities of Marguerite Abdullah.
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.. COMPLAINT - 13

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1 4.20 Marguerite Abdullah was seized, arrested, taken into custody, detained,
2 imprisoned, and subject to excessive force, and suffered the other injuries described below.

3 CAUSATION AND LIABILITY: THE OFFICERS

4 4.21 As a result of the direct participation of Defendants Hunt and Williams and
5 unknown others in the stop and/or arrest of Marguerite Abdullah without reasonable suspicion or
6 probable cause, and under color of law, Defendants Hunt, Williams, and unknown others
7 violated the Fourth and Fourteenth Amendment of the United States Constitution, proximately
8 causing damage to the Plaintiff, and the Defendants are therefore liable for nominal, actual,
9 special, compensatory, and punitive damages under 42 U.S.C. § 1983.

10 4.22 Defendants Hunt and Williams, and unknown officers who directly supervised or
11 participated, knew or should have known they lacked reasonable suspicion and/or probable cause
12 to stop and/or arrest Marguerite Abdullah.

13 4.22 The right to be free from traffic stops without reasonable suspicion is clearly
14 established by the Fourth and Fourteenth Amendments of the United States Constitution, and by
15 the long-settled case law of the United States Supreme Court, the Ninth Circuit Court of Appeals,
16 the District Court, and Washington state courts, such that it was unreasonable for Defendants
17 Hunt, Williams, and unknown others to have believed their conduct was lawful based on their
18 knowledge of the material facts, or their deliberate indifference to material exculpatory facts,
19 when compared or applied to the clearly established right.

20 4.23 The right to be free from arrest without probable cause is clearly established by
21 the Fourth and Fourteenth Amendments of the United States Constitution, and by the long-settled
22 case law of the United States Supreme Court, the Ninth Circuit Court of Appeals, the District
23

.. COMPLAINT - 14

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1 Court, and Washington state courts, such that it was unreasonable for Defendants Hunt,
2 Williams, and unknown others to have believed their conduct was lawful based on their
3 knowledge of the material facts, or their deliberate indifference of material exculpatory facts,
4 when compared to applied to the clearly established right.

5 4.24 The pretextual justification of the stop and/or the arrest, i.e., the ex post facto
6 extrapolation of additional charges to justify the arrest encouraged by Defendants Hunt and
7 Williams, described in Paragraph 4.19, above, demonstrates that Defendants Hunt, Williams, and
8 unknown others knew that there was no reasonable suspicion and/or probable cause to make an
9 arrest on any of the charges that Marguerite Abdullah committed a criminal offense or traffic
10 infraction.

11 4.25 The surrounding facts and circumstances described herein are insufficient to cause
12 a reasonable person or a reasonable police officer to believe there was reasonable suspicion to
13 stop Marguerite Abdullah in light of clearly established law.

14 4.26 The surrounding facts and circumstances described herein are insufficient to cause
15 a reasonable person or a reasonable police officer to believe that there was probable cause an
16 offense was being committed in light of clearly established law.

17 CAUSATION AND LIABILITY: THE CITY

18 4.27 At all times relevant to this Complaint, Defendants Hunt and Williams as police
19 officers of the City of Seattle Police Department were acting under the direction and control of
20 the Defendant City.

21 4.28 Acting under color of law and pursuant to official policy or custom, the Defendant
22 City, with deliberate indifference to the rights of persons with whom the police come into
23

.. COMPLAINT - 15

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1 contact, failed to instruct, supervise, control, and discipline on a continuing basis Defendant
2 police officers in their duties to refrain from unlawfully stopping and arresting citizens, including
3 Marguerite Abdullah, who was acting in accordance with her constitutional and statutory rights,
4 privileges and immunities, and from otherwise depriving citizens, including Marguerite
5 Abdullah, of those constitutional and statutory rights, privileges and immunities.

6 4.29 The failure to diligently exercise its duties to instruct, supervise, control, and
7 discipline Defendants Hunt, Williams, and unknown others, especially since it is believed that
8 their supervisor was present, constitutes deliberate indifference to the rights, privileges and
9 immunities of Marguerite Abdullah, and others similarly situated.

10 4.30 The Defendant City's failure to exercise such duties, under color of law, with
11 respect the Defendants Hunt, Williams, and unknown others proximately caused or ratified the
12 Defendants Hunt, Williams, and unknown others to violate the Fourth and Fourteen
13 Amendments of the United States Constitution, proximately causing damage to the Plaintiff, and
14 the Defendant City is therefore liable for nominal, actual, special, and compensatory damages
15 under 42 U.S.C. § 1983.

16 DAMAGES

17 4.31 The damages suffered by the Plaintiff are personal injury, severe mental anguish,
18 loss of personal property, in connection with the deprivation of her constitutional and statutory
19 rights guaranteed by the Fourth and Fourteenth Amendments of the Constitution of the United
20 States and protected by 42 U.S.C. § 1983.

21 4.32 The Plaintiff is entitled to nominal, actual, and compensatory damages from all
22 Defendants, jointly and severally, arising from the violation of 42 U.S.C. § 1983.

23 COMPLAINT - 16

1 4.33 The Plaintiff is entitled to punitive damages from Defendants Hunt, Williams, and
2 unknown other officers, jointly and severally, arising from the violation of 42 U.S.C. § 1983.

3 **COUNT 2 - VIOLATION OF 42 U.S.C. § 1983: UNLAWFUL DETENTION**

4 5.1 Plaintiff hereby realleges the contents of the prior Count and by this reference
5 incorporates them herein.

6 5.2 The above-referenced facts give rise to a violation of 42 U.S.C. § 1983.

7 5.3 At all times relevant herein, the conduct of all Defendants were subject to 42
8 U.S.C. §§ 1983 and 1988.

9 **IDENTIFICATION OF RIGHT VIOLATED**

10 5.4 Acting under the color of law, Defendants worked a denial of Marguerite
11 Abdullah's rights, privileges or immunities secured by the Fourteenth Amendments to the United
12 States Constitution, violating 42 U.S.C. § 1983 as follows: by depriving Marguerite Abdullah of
13 her liberty without due process of law, by taking her into custody and holding her there against
14 her will.

15 5.5 The underlying charges subject to arrest were dismissed with prejudice, and the
16 City was not entitled to detain Marguerite Abdullah on the basis of a traffic infraction.

17 **CAUSATION AND LIABILITY - THE OFFICERS**

18 5.6 As a result of the direct participation of Defendants Hunt and Williams and
19 unknown others in the unlawful detention of Marguerite Abdullah, and under color of law,
20 Defendants Hunt, Williams, and unknown others violated the Fourth and Fourteenth Amendment
21 of the United States Constitution, proximately causing damage to the Plaintiff, and the
22

23
.. COMPLAINT - 17

1 Defendants are therefore liable for nominal, actual, special, compensatory, and punitive damages
2 under 42 U.S.C. § 1983.

3 5.7 Defendants Hunt and Williams, and unknown officers who directly supervised or
4 participated, knew or should have known they were unlawfully detaining the Plaintiff.

5 5.8 The right to be free from unlawful detention is clearly established by the Fourth
6 and Fourteenth Amendments of the United States Constitution, and by the long-settled case law
7 of the United States Supreme Court, the Ninth Circuit Court of Appeals, the District Court, and
8 Washington state courts, such that it was unreasonable for Defendants Hunt, Williams, and
9 unknown others to have believed their conduct was lawful based on their knowledge of the
10 material facts, or their deliberate indifference to material exculpatory facts, when compared or
11 applied to the clearly established right.

12 5.9 The pretextual justification of the stop and/or the arrest, i.e., the ex post facto
13 extrapolation of additional charges to justify the arrest encouraged by Defendants Hunt and
14 Williams, described in Paragraph 4.19, above, demonstrates that Defendants Hunt, Williams, and
15 unknown others knew or should have known that there was no reasonable grounds to unlawfully
16 detain Marguerite Abdullah.

17 5.10 The surrounding facts and circumstances described herein are insufficient to cause
18 a reasonable person or a reasonable police officer to believe there were reasonable grounds to
19 detain Marguerite Abdullah in light of clearly established law.
20
21
22
23

CAUSATION AND LIABILITY - THE CITY

5.11 At all times relevant to this Complaint, Defendants Hunt and Williams as police officers of the City of Seattle Police Department were acting under the direction and control of the Defendant City.

5.12 Acting under color of law and pursuant to official policy or custom, the Defendant City, with deliberate indifference to the rights of persons with whom the police come into contact, failed to instruct, supervise, control, and discipline on a continuing basis Defendant police officers in their duties to refrain from unlawfully detaining citizens, including Marguerite Abdullah, who was acting in accordance with her constitutional and statutory rights, privileges and immunities, and from otherwise depriving citizens, including Marguerite Abdullah, of those constitutional and statutory rights, privileges and immunities.

5.13 The failure to diligently exercise its duties to instruct, supervise, control, and discipline Defendants Hunt, Williams, and unknown others, especially since it is believed that their supervisor was present, constitutes deliberate indifference to the rights, privileges and immunities of Marguerite Abdullah, and others similarly situated.

5.14 The Defendant City's failure to exercise such duties, under color of law, with respect the Defendants Hunt, Williams, and unknown others proximately caused or ratified the Defendants Hunt, Williams, and unknown others to violate the Fourth and Fourteen Amendments of the United States Constitution, proximately causing damage to the Plaintiff, and the Defendant City is therefore liable for nominal, actual, special, and compensatory damages under 42 U.S.C. § 1983.

DAMAGES

5.15 The damages suffered by the Plaintiff are personal injury, severe mental anguish, loss of personal property, in connection with the deprivation of her constitutional and statutory rights guaranteed by the Fourth and Fourteenth Amendments of the Constitution of the United States and protected by 42 U.S.C. § 1983.

5.16 The Plaintiff is entitled to nominal, actual, and compensatory damages from all Defendants, jointly and severally, arising from the violation of 42 U.S.C. § 1983.

5.17 The Plaintiff is entitled to punitive damages from Defendants Hunt, Williams, and unknown other officers, jointly and severally, arising from the violation of 42 U.S.C. § 1983.

COUNT 3 -- USE OF EXCESSIVE FORCE

6.1 Plaintiff hereby realleges the contents of the prior Counts and by this reference incorporates them herein.

6.2 The above-referenced facts give rise to a violation of 42 U.S.C. § 1983.

6.3 At all times relevant herein, the conduct of all Defendants were subject to 42 U.S.C. §§ 1983 and 1988.

IDENTIFICATION OF RIGHT

6.4 Acting under the color of law, Defendants worked a denial of Marguerite Abdullah's rights, privileges or immunities secured by the Fourteenth Amendments to the United States Constitution, violating 42 U.S.C. § 1983 as follows: by depriving Marguerite Abdullah of her liberty without due process of law, by using substantial force that was objectively unreasonable and excessive, whether in furtherance of the unlawful stop, arrest, and detention of

1 Marguerite Abdullah, or independently. Such conduct offends contemporary standards of
2 decency in a civilized society.

3 6.5 Further to Paragraph 6.4, above: by force and detention, preventing Marguerite
4 Abdullah access to her asthma medication at the time of the stop, the arrest, and continuing
5 throughout a significant portion of the time of her detention. Defendants Hunt and Williams
6 were informed of the location of her asthma medication in her car, refused her access to it,
7 causing her to have asthma attacks. In addition, Defendants Hunt and Williams ridiculed,
8 humiliated, and degraded Marguerite Abdullah by laughing and accusing her of faking the need
9 for medical treatment.

10 6.6 Defendants Hunt and Williams assaulted Marguerite Abdullah without
11 provocation, without justification, and with more force necessary to accomplish any of the police
12 officer's duties, all of which amounted to an assault on her body and her personal liberty.

13 6.7 Defendants Hunt and Williams, without provocation, and without justification,
14 and with wholly unnecessary force, wholly unrelated to the performance of any police duty,
15 prevented access to Marguerite Abdullah's medication.

16 CAUSATION AND LIABILITY - THE OFFICERS

17 6.8 As a result of the direct participation of Defendants Hunt and Williams and
18 unknown others in their use of excessive force upon the body of Marguerite Abdullah, and under
19 color of law, Defendants Hunt, Williams, and unknown others violated the Fourteenth
20 Amendment of the United States Constitution, proximately causing damage to the Plaintiff, and
21 the Defendants are therefore liable for nominal, actual, special, compensatory, and punitive
22 damages under 42 U.S.C. § 1983.

23
.. COMPLAINT - 21

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1 6.9 Defendants Hunt and Williams, and unknown officers who directly supervised or
2 participated, knew or should have known they were using excessive force on the body of the
3 Plaintiff.

4 6.10 The right to be free from excessive force is clearly established by the Fourth and
5 Fourteenth Amendments of the United States Constitution, and by the long-settled case law of
6 the United States Supreme Court, the Ninth Circuit Court of Appeals, the District Court, and
7 Washington state courts, such that it was unreasonable for Defendants Hunt, Williams, and
8 unknown others to have believed their conduct was lawful based on their knowledge of the
9 material facts, or their deliberate indifference to material exculpatory facts, when compared or
10 applied to the clearly established right.

11 6.11 The pretextual justification of the stop and/or the arrest, i.e., the ex post facto
12 extrapolation of additional charges to justify the arrest encouraged by Defendants Hunt and
13 Williams, described in Paragraph 4.19, above, demonstrates that Defendants Hunt, Williams, and
14 unknown others knew or should have known that there was no reasonable grounds to use any
15 unnecessary force whether upon the body of Marguerite Abdullah directly or by preventing her
16 access to her medication.

17 6.12 The surrounding facts and circumstances described herein are insufficient to cause
18 a reasonable person or a reasonable police officer to believe there were reasonable grounds to use
19 the force undertaken against Marguerite Abdullah in light of clearly established law.

CAUSATION AND LIABILITY - THE CITY

6.13 At all times relevant to this Complaint, Defendants Hunt and Williams as police officers of the City of Seattle Police Department were acting under the direction and control of the Defendant City.

6.14 Acting under color of law and pursuant to official policy or custom, the Defendant City, with deliberate indifference to the rights of persons with whom the police come into contact, failed to instruct, supervise, control, and discipline on a continuing basis Defendant police officers in their duties to refrain from unlawfully detaining citizens, including Marguerite Abdullah, who was acting in accordance with her constitutional and statutory rights, privileges and immunities, and from otherwise depriving citizens, including Marguerite Abdullah, of those constitutional and statutory rights, privileges and immunities.

6.15 The failure to diligently exercise its duties to instruct, supervise, control, and discipline Defendants Hunt, Williams, and unknown others, especially since it is believed that their supervisor was present, constitutes deliberate indifference to the rights, privileges and immunities of Marguerite Abdullah, and others similarly situated.

6.16 The Defendant City's failure to exercise such duties, under color of law, with respect the Defendants Hunt, Williams, and unknown others proximately caused or ratified the Defendants Hunt, Williams, and unknown others to violate the Fourteenth Amendment of the United States Constitution, proximately causing damage to the Plaintiff, and the Defendant City is therefore liable for nominal, actual, special, and compensatory damages under 42 U.S.C. § 1983.

COMPLAINT - 23

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DAMAGES

6.17 The damages suffered by the Plaintiff are personal injury, severe mental anguish, loss of personal property, in connection with the deprivation of her constitutional and statutory rights guaranteed by the Fourteenth Amendments of the Constitution of the United States and protected by 42 U.S.C. § 1983.

6.18 The Plaintiff is entitled to nominal, actual, and compensatory damages from all Defendants, jointly and severally, arising from the violation of 42 U.S.C. § 1983.

6.19 The Plaintiff is entitled to punitive damages from Defendants Hunt, Williams, and unknown other officers, jointly and severally, arising from the violation of 42 U.S.C. § 1983.

COUNT 4 - FALSE ARREST UNDER STATE LAW

10.1 Plaintiff hereby realleges the contents of the prior Counts and by this reference incorporates them herein.

10.2 The above-referenced facts give rise to the state law tort of false arrest.

10.3 As a proximate cause of the conduct of the Defendants, Marguerite Abdullah was subjected to a false arrest and suffered damages to be proven at trial.

COUNT 5 - FALSE IMPRISONMENT UNDER STATE LAW

11.1 Plaintiff hereby realleges the contents of the prior Counts and by this reference incorporates them herein.

11.2 The above-referenced facts give rise to the state law tort of false imprisonment.

11.3 Marguerite Abdullah was subjected to a false imprisonment and suffered damages to be proven at trial.

COUNT 6 - BATTERY UNDER STATE LAW

COMPLAINT - 24

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1 12.1 Plaintiff hereby realleges the contents of the prior Counts and by this reference
2 incorporates them herein.

3 12.2 The above-referenced facts give rise to the state law tort of battery.

4 12.3 Marguerite Abdullah was subjected to a battery and suffered damages to be
5 proven at trial.

6 12.4 The City is vicariously liable for the acts of Defendants Hunt, Williams, and
7 unknown other police officers.

8 **COUNT 7 - OUTRAGE UNDER STATE LAW**

9 13.1 Plaintiff hereby realleges the contents of the prior Counts and by this reference
10 incorporates them herein.

11 13.2 The above-referenced facts give rise to the state law tort of outrage.

12 13.3 Marguerite Abdullah suffered damages to be proven at trial.

13 **COUNT 8 - ASSAULT UNDER STATE LAW**

14 14.1 Plaintiff hereby realleges the contents of the prior Counts and by this reference
15 incorporates them herein.

16 14.2 The above-referenced facts give rise to the state law tort of assault.

17 14.3 The City is vicariously liable for the acts of Defendants Hunt, Williams, and
18 unknown other police officers.

19 **COUNT 9 - NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**
20 **UNDER STATE LAW**

21 15.1 Plaintiff hereby realleges the contents of the prior Counts and by this reference
22 incorporates them herein.

23
COMPLAINT - 25

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1 15.2 The above-referenced facts give rise to the state law tort of negligent infliction of
2 emotional distress.

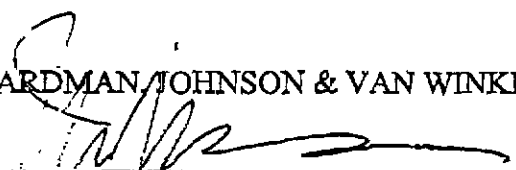
3 15.3 Marguerite Abdullah was subjected to negligent infliction of emotional distress
4 and suffered damages to be proven at trial.

5 V. RELIEF REQUESTED.

6 WHEREFORE the Plaintiff prays for damages as follows:

- 7 1. For violations of 42 U.S.C. § 1983, a judgment against all Defendants, jointly and
8 severally, for actual, special, general, and compensatory damages;
- 9 2. For violations of 42 U.S.C. § 1983, a judgment against Defendants Hunt,
10 Williams, and unknown others, jointly and severally, for actual, special, general and
11 compensatory damages, and for punitive damages;
- 12 3. For state law claims, damages in an amount to be proven at trial;
- 13 4. Prejudgment interest at an amount to be proven at time of trial;
- 14 5. Reasonable attorney fees and costs pursuant to 42 U.S.C. § 1988;
- 15 6. Reasonable attorney fees and costs otherwise permitted by state law;
- 16 7. Such relief the Court shall deem to be just, proper, and equitable.

17 Dated: June 4, 2003

18 HARDMAN, JOHNSON & VAN WINKLE
19 
20 MICHAEL L. JOHNSON, WSBA #28172
21 Counsel for Plaintiff
22 119 First Ave. So. - Suite 200
23 Seattle, WA 98104
24 206-447-1560

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CITY OF SEATTLE
MAYOR'S OFFICE

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

vs.

Plaintiff(s),

Defendant(s).

NO. **03-2-27483-6SEA**

ORDER SETTING CIVIL CASE SCHEDULE

ASSIGNED JUDGE: **MARY YU**

TRIAL DATE: Mon 11/01/04
(*ORSCS)

On Wed 6/04/03, a civil case has been filed in the King County Superior Court and will be managed by the Case Schedule on Page 3 as ordered by the King County Superior Court Presiding Judge.

I. NOTICES

NOTICE TO PLAINTIFF:

The Plaintiff may serve a copy of this **Order Setting Case Schedule (Schedule)** on the Defendant(s) along with the **Summons and Complaint/Petition**. Otherwise, the Plaintiff shall serve the **Schedule** on the Defendant(s) within 10 days after the later of: (1) the filing of the **Summons and Complaint/Petition** or (2) service of the Defendant's first response to the **Complaint/Petition**, whether that response is a **Notice of Appearance**, a response, or a Civil Rule 12 (CR 12) motion. The **Schedule** may be served by regular mail, with proof of mailing to be filed promptly in the form required by Civil Rule 5 (CR 5).

"I understand that I am required to give a copy of these documents to all parties in this case."

MICHAEL L. JOHNSON

Print Name

/s/

Sign Name

ORDER SETTING CIVIL CASE SCHEDULE

COPY

Revised August 2002



I. NOTICES (continued)

NOTICE TO ALL PARTIES:

All attorneys and parties should make themselves familiar with the King County Local Rules [KCLR] – especially those referred to in this *Schedule*. In order to comply with the *Schedule*, it will be necessary for attorneys and parties to pursue their cases vigorously from the day the case is filed. For example, discovery must be undertaken promptly in order to comply with the deadlines for joining additional parties, claims, and defenses, for disclosing possible witnesses [See KCLR 26], and for meeting the discovery cutoff date [See KCLR 37(g)].

SHOW CAUSE HEARINGS FOR CIVIL CASES [King County Local Rule 4(g)]

A *Show Cause Hearing* will be held before the assigned judge if the case is not at issue. The Order to Show Cause will be mailed to all parties by the Judicial Assistant of the assigned judge. The parties or counsel are required to attend. A Confirmation of Joinder, Claims and Defenses must be filed by the deadline in the schedule.

PENDING DUE DATES CANCELED BY FILING PAPERS THAT RESOLVE THE CASE:

When a final decree, judgment, or order of dismissal of all parties and claims is filed with the Superior Court Clerk's Office, and a courtesy copy delivered to the assigned judge, all pending due dates in this *Schedule* are automatically canceled, including the scheduled Trial Date. It is the responsibility of the parties to 1) file such dispositive documents within 45 days of the resolution of the case, and 2) strike any pending motions by notifying the bailiff to the assigned judge.

Parties may also authorize the Superior Court to strike all pending due dates and the Trial Date by filing a *Notice of Settlement* pursuant to KCLR 41, and forwarding a courtesy copy to the assigned judge. If a final decree, judgment or order of dismissal of all parties and claims is not filed by 45 days after a *Notice of Settlement*, the case may be dismissed with notice.

If you miss your scheduled Trial Date, the Superior Court Clerk is authorized by KCLR 41(b)(2)(A) to present an *Order of Dismissal*, without notice, for failure to appear at the scheduled Trial Date.

NOTICES OF APPEARANCE OR WITHDRAWAL AND ADDRESS CHANGES:

All parties to this action must keep the court informed of their addresses. When a Notice of Appearance/Withdrawal or Notice of Change of Address is filed with the Superior Court Clerk's Office, parties must provide the assigned judge with a courtesy copy.

ARBITRATION FILING AND TRIAL DE NOVO POST ARBITRATION FEE:

A Statement of Arbitrability must be filed by the deadline on the schedule if the case is subject to mandatory arbitration and is at issue. If mandatory arbitration is required after the deadline, parties must obtain an order from the assigned judge transferring the case to arbitration. Any party filing a Statement must pay a \$220 arbitration fee (effective 10/1/2002). If a party seeks a trial de novo when an arbitration award is appealed, a fee of \$250 and the request for trial de novo must be filed with the Clerk's Office Cashiers.

NOTICE OF NON-COMPLIANCE FEES: All parties will be assessed a fee authorized by King County Code 4.71.050 whenever the Superior Court Clerk must send notice of non-compliance of schedule requirements and/or Local Rule 41.

II. CASE SCHEDULE

CASE EVENT	DEADLINE or EVENT DATE
Case Filed and Schedule Issued	Wed 6/04/03
✓ Confirmation of Service [See KCLR 4.1]	Wed 7/02/03
✓ Statement of Arbitrability [See KCLMAR 2.1(a) and Notices on Page 2] \$220 arbitration fee must be paid — OR — [Consult Local Rules to determine which document applies for your case.]	Wed 11/12/03
✓ Confirmation of Joinder of Parties, Claims and Defenses [See KCLR 4.2(a)(2)] NOTE: If "Joinder" document applies to the case and is not filed, the parties may be <u>required</u> to appear at the Show Cause Hearing.	Wed 11/12/03
DEADLINE for Hearing Motions to Change Case Assignment Area [KCLR 82(e)]	Wed 11/26/03
DEADLINE for Disclosure of Possible Primary Witnesses [See KCLR 26(b)]	Tue 6/01/04
✓ Joint Pretrial Report [See attached order]	
DEADLINE for Disclosure of Possible Rebuttal Witnesses [See KCLR 26(c)]	Mon 7/12/04
✓ Jury Demand [See KCLR 38(b)(2)]	Mon 7/26/04
DEADLINE for a Change in Trial Date [See KCLR 40(e)(2)]	Mon 7/26/04
DEADLINE: Discovery Cutoff [See KCLR 37(g)]	Mon 9/13/04
DEADLINE: Exchange Witness & Exhibit Lists & Documentary Exhibits [KCLR 16(a)(3)]	Mon 10/11/04
DEADLINE for Hearing Dispositive Pretrial Motions [See KCLR 56; CR 56]	Mon 10/18/04
DEADLINE to Comply with Settlement Conference Requirement [See attached Order]	
✓ Joint Statement of Evidence [See KCLR 16(a)(4)]	Mon 10/25/04
Trial Date [See KCLR 40]	Mon 11/01/04

✓ Indicates a document that must be filed with the Superior Court Clerk's Office by the date shown.

III. ORDER

Pursuant to King County Local Rule 4 [KCLR 4], IT IS ORDERED that the parties shall comply with the schedule listed above. Penalties, including but not limited to sanctions set forth in Local Rule 4(g) and Rule 37 of the Superior Court Civil Rules, may be imposed for non-compliance. It is FURTHER ORDERED that the party filing this action must serve this *Order Setting Civil Case Schedule* and attachment on all other parties.

DATED: 6/04/2003

Richard D. Eadie
Richard D. Eadie

PRESIDING JUDGE

IV. ORDER ON CIVIL PROCEEDINGS FOR ASSIGNMENT TO JUDGE

READ THIS ORDER PRIOR TO CONTACTING YOUR ASSIGNED JUDGE

This case is assigned to the Superior Court Judge whose name appears in the caption of this *Schedule*. The assigned Superior Court Judge will preside over and manage this case and will conduct trials, motions, and conferences in this matter until completion of all issues.

COMPLEX LITIGATION: If you anticipate an unusually complex or lengthy trial, please notify the assigned court as soon as possible.

The following procedures hereafter apply to the processing of this case:

APPLICABLE RULES:

Except as specifically modified below, all the provisions of KCLR 4-26 shall apply to the processing of civil cases before Superior Court Judges.

CASE SCHEDULE AND REQUIREMENTS:

- A. **Trial:** Trial is confirmed for 9:00 a.m. on the date on the *Schedule*. The Friday before trial, the assigned court will contact the parties to determine the status of the case and inform the parties of any adjustments to the Trial Date.
- B. **Show Cause Hearing:** A Show Cause Hearing will be held before the assigned judge if the case is not at issue. If the case is not at issue or in accordance with the attached case schedule, all parties will receive an *Order to Show Cause* that will set a specific date and time for the hearing. All parties and/or counsel are required to attend.
- C. **Joint Pretrial Report:** 120 days before the Trial Date, parties shall prepare and file, with a copy to the assigned judge, a joint pretrial report setting forth the nature of the case, whether a jury demand has been filed, the expected duration of the trial, the status of discovery, the need to amend pleadings or add parties, whether a settlement conference has been scheduled, special problems, etc. Plaintiff's/Petitioner's counsel is responsible for proposing and contacting the other parties regarding said report.
- D. **Pretrial Conference:** A pretrial conference will be scheduled by the assigned judge. Approximately thirty (30) days before the conference, you will receive an *Order Setting Pretrial Conference* that will set the specific date and time for the conference. The conference will be held in the courtroom of the assigned judge, and the following nonexclusive list of matters will be addressed at that time:
 - 1) Status of settlement discussions;
 - 2) Jury trial -- selection and number of jurors;
 - 3) Potential evidentiary problems;
 - 4) Potential motions *in limine*;

SEE NEXT PAGE

revised 5/29/2002

L: forms/cashiers/iv orders

- 5) Use of depositions;
- 6) Deadlines for nondispositive motions;
- 7) Procedures to be followed with respect to exhibits;
- 8) Witnesses -- identity, number, testimony;
- 9) Special needs (e.g. interpreters, equipment);
- 10) Trial submissions, such as briefs, Joint Statement of Evidence, jury instructions, voir dire questions, etc.
- 11) Receipt of Public Assistance Payments (Domestic Cases) -- If any party is on public Assistance, notify the Prosecutor's Office of this proceeding now at 296-9020.

E. Settlement/Mediation/ADR:

- 1) 45 days before the Trial Date, counsel for plaintiff shall submit a written settlement demand. Ten (10) days after receiving plaintiff's written demand, counsel for defendant shall respond (with a counteroffer, if appropriate).
- 2) 30 days before the Trial Date, a settlement/mediation/ADR conference shall have been held. **FAILURE TO COMPLY WITH THIS SETTLEMENT CONFERENCE REQUIREMENT MAY RESULT IN SANCTIONS.**
- 3) 20 days before the Trial Date, counsel for plaintiff shall advise the assigned judge of the progress of the settlement process.

MOTIONS PROCEDURES:

A. Noting of Motions

- 1) Dispositive Motions: All Summary Judgment or other motions that dispose of the case in whole or in part will be heard with oral argument before the assigned judge. The moving party must arrange with the bailiff a date and time for the hearing, consistent with the court rules.
- 2) Nondispositive Motions: These motions, which include discovery motions, will be ruled on by the assigned judge without oral argument, unless otherwise ordered. All such motions must be noted for a date by which the ruling is requested; this date must likewise conform to the applicable notice requirements. Rather than noting a time of day, the *Note for Motion* should state "Without Oral Argument."

SEE NEXT PAGE

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3) **Motions in Family Law Cases:** Discovery motions to compel, motions in limine, motions relating to trial dates and motions to vacate judgments/dismissals shall be brought before the assigned judge. All other motions should be noted and heard on the Family Law Motions Calendar.

4) **Emergency Motions:** Emergency motions will be allowed only upon entry of an Order *Shortening Time*. However, emergency discovery disputes may be addressed by telephone call, and without written motion, if the judge approves.

B. **Filing of Papers** All original papers must be filed with the Clerk's Office on the 6th floor.

The working copies of all papers in support or opposition must be marked on the upper right corner of the first page with the date of consideration or hearing and the name of the assigned judge. The assigned judge's working copy must be delivered to his/her courtroom or to the judges' mailroom. Do not file working copies with the Motions Coordinator, except those motions to be heard on the Family Law Motions Calendar, in which case the working copies should be filed with the Family Law Motions Coordinator.

1) **Original Proposed Order:** Each of the parties must include in the working copy materials submitted on any motion an original proposed order sustaining his/her side of the argument. Should any party desire a copy of the order as signed and filed by the judge, a preaddressed, stamped envelope shall accompany the proposed order.

2) **Presentation of Orders:** All orders, agreed or otherwise, must be presented to the assigned judge. If that judge is absent, contact the assigned court for further instructions. If another judge enters an order on the case, counsel is responsible for providing the assigned judge with a copy.

Proposed orders finalizing settlement and/or dismissal by agreement of all parties shall be presented to the assigned judge or in the Ex Parte Department. Formal Proof in Family Law cases must be scheduled before the assigned judge by contacting the bailiff, or Formal Proof may be entered in the Ex Parte Department. If final orders and/or Formal Proof are entered in the Ex Parte Department, counsel is responsible for providing the assigned judge with a copy.

C. **Form:** Memoranda/briefs for matters heard by the assigned judge may not exceed 24 pages

for dispositive motions and 12 pages for nondispositive motions, unless the assigned judge permits over-length memoranda/briefs in advance of filing. Over-length memoranda/briefs and motions supported by such memoranda/briefs may be stricken.

IT IS SO ORDERED. FAILURE TO COMPLY WITH THE PROVISIONS OF THIS ORDER MAY RESULT IN DISMISSAL OR OTHER SANCTIONS. PLAINTIFF/PETITIONER SHALL FORWARD A COPY OF THIS ORDER AS SOON AS PRACTICABLE TO ANY PARTY WHO HAS NOT RECEIVED THIS ORDER.

Richard D. Eadie

Richard D. Eadie

JUDGE

revised 5/29/2002

L: forms/cashiers/iv orders

FILED

2003 SEP -2 PM 2:26

KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA

IN THE SUPERIOR COURT, IN AND FOR THE COUNTY OF KING, STATE OF WASHINGTON

MARGUERITE ABDULLAH

CAUSE NO. 03-2-27483-6SEA

Declaration of Service of:
SUMMONS AND COMPLAINT FOR DAMAGES;
ORDER SETTING ORIGINAL CIVIL CASE
SCHEDULE

Plaintiff/Petitioner

vs.

CITY OF SEATTLE, A WASHINGTON MUNICIPAL
CORPORATION; ET AL.,

Defendant/Respondent | Hearing Date:

DECLARATION:

The undersigned hereby declares: That s(he) is now and at all times herein mentioned was a citizen of the United States and resident of the State of Washington, over the age of eighteen, not an officer of a plaintiff corporation, not a party to nor interested in the above entitled action, and is competent to be a witness therein.

On the date and time of Aug 29 2003 11:18AM at the address of 601 5TH AVE #700 SEATTLE within the County of King State of Washington, the declarant duly served the above described documents upon CITY OF SEATTLE, A WASHINGTON MUNICIPAL CORPORATION by then and there personally delivering 1 true and correct copy(ies) thereof, by then presenting to and leaving the same with MELIA BROOKS, SECRETARY IN THE OFFICE OF THE MAYOR. No information was provided that indicates that the subjects served are members of the U.S. military.

I hereby declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Dated August 29, 2003 at Seattle, WA

by

P. Nolan

KCR#9300978

Service Fees Total 53.00

ABC Legal Services, Inc.

(206) 623-8771
3218190

ORIGINAL
PROOF OF SERVICE

Johnson, Michael L
119 1st Ave S, #200
Seattle, WA 98104

EXHIBIT

C

IN THE SUPERIOR COURT OF WASHINGTON
FOR KING COUNTY

MARGUERITE ABDULLAH,

No. 03-2-27483-6 SEA

Plaintiff,

SUMMONS

v.

CITY OF SEATTLE, a Washington municipal
corporation; THE SEATTLE POLICE
DEPARTMENT, a department of the City of
Seattle, and B.M. HUNT and J. WILLIAMS, in
their individual capacity,

Defendants.

TO CITY OF SEATTLE: A lawsuit has been started against you in the above entitled court by MARGUERITE ABDULLAH, Plaintiff. Plaintiff's claim is stated in the written Complaint, a copy of which is served upon you with this Summons.

In order to defend against this lawsuit, you must respond to the Complaint by stating your defense in writing and serve a copy upon the undersigned attorney for plaintiff within **twenty (20) days** after the service of this Summons, excluding the day of service, or a default judgment may be entered against you without notice. A default judgment is one where a plaintiff is entitled to what is asked for because you have not responded. If you serve a notice of appearance on the undersigned attorney, you are entitled to notice before a default judgment may be entered.

You may demand that the plaintiff file this lawsuit with the court. If you do so, the demand must be in writing and must be served upon the person signing this summons. Within 14 days after you serve the demand, the plaintiff must file this lawsuit with the court, or the service of this summons and complaint will be void.

SUMMONS - 1

COPY

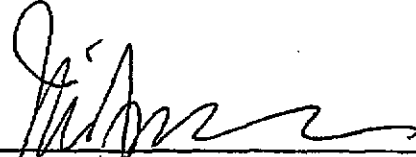
HARDMAN & JOHNSON
119 FIRST AVENUE SOUTH, SUITE 200
SEATTLE, WA 98104
PH: (206) 447-1560 FAX: (206) 447-1523

1 If you wish to seek the advice of an attorney in this matter, you should do so promptly so
2 that your written response, if any, may be served on time.

3 This Summons is issued pursuant to Rule 4 of the Superior Court Civil Rules of the State
4 of Washington.

5 DATED THIS 29th day of August, 2003.

6 HARDMAN & JOHNSON

7 
8 Michael L. Johnson, WSBA #28172
9 Counsel for Plaintiffs
10 119 First Ave. So. - Suite 200
11 Seattle, WA 98104
12 (206) 447-1560
13 (206) 447-1523 (fax)

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.. SUMMONS - 2

HARDMAN & JOHNSON
119 FIRST AVENUE SOUTH, SUITE 200
SEATTLE, WA 98104
PH: (206) 447-1560 FAX: (206) 447-1523

FILED

2003 SEP -2 PM 2:26

KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA

IN THE SUPERIOR COURT, IN AND FOR THE COUNTY OF KING, STATE OF WASHINGTON

MARGUERITE ABDULLAH

CAUSE NO. 03-2-27483-6SEA

Declaration of Service of:
SUMMONS AND COMPLAINT FOR DAMAGES;
ORDER SETTING ORIGINAL CIVIL CASE
SCHEDULE

Plaintiff/Petitioner

vs.

CITY OF SEATTLE, A WASHINGTON MUNICIPAL
CORPORATION; ET AL.,

Defendant/Respondent | Hearing Date:

DECLARATION:

The undersigned hereby declares: That s(he) is now and at all times herein mentioned was a citizen of the United States and resident of the State of Washington, over the age of eighteen, not an officer of a plaintiff corporation, not a party to nor interested in the above entitled action, and is competent to be a witness therein.

On the date and time of Aug 29 2003 11:12AM at the address of 610 5TH AVE SEATTLE within the County of King State of Washington, the declarant duly served the above described documents upon THE SEATTLE POLICE DEPARTMENT, A DEPARTMENT OF THE CITY OF SEATTLE by then and there personally delivering 1 true and correct copy(ies) thereof, by then presenting to and leaving the same with LEO PORT, LEGAL ADVISOR. No information was provided that indicates that the subjects served are members of the U.S. military.

I hereby declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Dated August 29, 2003 at Seattle, WA

by

P. Nolan

KCR#9300978

Service Fees Total 53.00

ABC Legal Services, Inc.

(206) 623-8771
2698980



ORIGINAL
PROOF OF SERVICE

Johnson, Michael L
119 1st Ave S, #200
Seattle, WA 98104

EXHIBIT

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tabbies

IN THE SUPERIOR COURT OF WASHINGTON
FOR KING COUNTY

MARGUERITE ABDULLAH,

Plaintiff,

v.

CITY OF SEATTLE, a Washington municipal
corporation; THE SEATTLE POLICE
DEPARTMENT, a department of the City of
Seattle, and B.M. HUNT and J. WILLIAMS, in
their individual capacity,

Defendants.

No. 03-2-27483-6 SEA

SUMMONS

TO SEATTLE POLICE DEPARTMENT: A lawsuit has been started against you in the above entitled court by MARGUERITE ABDULLAH, Plaintiff. Plaintiff's claim is stated in the written Complaint, a copy of which is served upon you with this Summons.

In order to defend against this lawsuit, you must respond to the Complaint by stating your defense in writing and serve a copy upon the undersigned attorney for plaintiff within **twenty (20) days** after the service of this Summons, excluding the day of service, or a default judgment may be entered against you without notice. A default judgment is one where a plaintiff is entitled to what is asked for because you have not responded. If you serve a notice of appearance on the undersigned attorney, you are entitled to notice before a default judgment may be entered.

You may demand that the plaintiff file this lawsuit with the court. If you do so, the demand must be in writing and must be served upon the person signing this summons. Within 14 days after you serve the demand, the plaintiff must file this lawsuit with the court, or the service of this summons and complaint will be void.

SUMMONS - 1

COPY

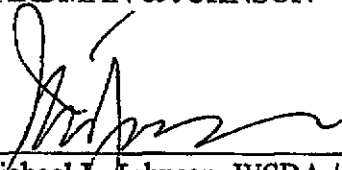
HARDMAN & JOHNSON
119 FIRST AVENUE SOUTH, SUITE 200
SEATTLE, WA 98104
PH: (206) 447-1560 FAX: (206) 447-1523

1 If you wish to seek the advice of an attorney in this matter, you should do so promptly so
2 that your written response, if any, may be served on time.

3 This Summons is issued pursuant to Rule 4 of the Superior Court Civil Rules of the State
4 of Washington.

5 DATED THIS 29th day of August, 2003.

6 HARDMAN & JOHNSON

7 
8 Michael L. Johnson, WSBA #28172
9 Counsel for Plaintiffs
10 119 First Ave. So. - Suite 200
11 Seattle, WA 98104
12 (206) 447-1560
13 (206) 447-1523 (fax)

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.. SUMMONS - 2

HARDMAN & JOHNSON
119 FIRST AVENUE SOUTH, SUITE 200
SEATTLE, WA 98104
PH: (206) 447-1560 FAX: (206) 447-1523

The Honorable Mary Yu

RECEIVED

2003 SEP -5 PM 4:18

KING COUNTY
SUPERIOR COURT CLERK
SEATTLE WA

SUPERIOR COURT OF WASHINGTON IN AND FOR KING COUNTY

MARGUERITE ABDULLAH,

Plaintiff,

v.

CITY OF SEATTLE, THE SEATTLE
POLICE DEPARTMENT, B.M. HUNT AND
J. WILLIAMS,

Defendants.

No. 03-2-27483-6 SEA

NOTICE OF APPEARANCE

RECEIVED

SEP 08 2003

STAFFORD FREY COOPER

TO: The Clerk of the Above-Entitled Court
AND TO: Michael L. Johnson, Attorney for Plaintiff

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the undersigned hereby appears as counsel of record for defendant THE CITY OF SEATTLE, without waiving the questions of:

1. Lack of jurisdiction over the subject matter;
2. Lack of jurisdiction over the person;
3. Improper venue;
4. Insufficiency of process;
5. Insufficiency of service of process;

NOTICE OF APPEARANCE - 1

\\EARTH\DATA\CLIENTS\3019\NEW\PLD ABDULLAH NOA.DOC

COPY



STAFFORD FREY COOPER

Professional Corporation
ATTORNEYS
3100 TWO UNION SQUARE
601 UNION STREET
SEATTLE, WASHINGTON 98101-1374
TEL (206) 623-9900
FAX (206) 624-6885

6. Failure to state a claim upon which relief may be granted; and
7. Failure to join a party under Rule 19.

YOU ARE FURTHER NOTIFIED that all further papers and pleadings herein, except original process, shall be served upon the undersigned attorneys at the address stated below.

DATED this 5 day of September, 2003.

STAFFORD FREY COOPER

By

Stephen P. Larson, WSBA #4959

Blake E. Dias, WSBA #28169

Attorneys for Defendant The City of Seattle

NOTICE OF APPEARANCE - 2

\\EARTH\DATA\CLIENTS\3019\NEW\PLD ABDULLAH NOA.DOC

STAFFORD FREY COOPER

Professional Corporation

ATTORNEYS

3100 TWO UNION SQUARE

601 UNION STREET

SEATTLE, WASHINGTON 98101-1374

TEL. (206) 623-9900

FAX (206) 624-6885

Certificate of Service

The undersigned certifies under the penalty of perjury according to the laws of the United States and the State of Washington that on this date I caused to be served in the manner noted below a copy of this document entitled **NOTICE OF APPEARANCE** on the following individuals:

Michael L. Johnson
119 First Avenue South, Suite 200
Seattle, WA 98104

Attorneys for Plaintiff

☐ Via Messenger
☒ Via Mail

DATED this 5th day of September, 2003.


Sally Phillips

NOTICE OF APPEARANCE - 3

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STAFFORD FREY COOPER

Professional Corporation
ATTORNEYS
3100 TWO UNION SQUARE
601 UNION STREET
SEATTLE, WASHINGTON 98101-1374
TEL. (206) 623-9900
FAX (206) 624-6885

The Honorable Mary Yu

SUPERIOR COURT OF WASHINGTON
IN AND FOR KING COUNTY

MARGUERITE ABDULLAH,

Plaintiff,

v.

CITY OF SEATTLE, a Washington
municipal corporation; THE SEATTLE
POLICE DEPARTMENT, a department of
the City of Seattle; B. M. HUNT AND J.
WILLIAMS,

Defendants.

No. 03-2-27483-6 SEA

NOTICE OF APPEARANCE

TO: The Clerk of the Above-Entitled Court

AND TO: Michael L. Johnson, Hardman & Johnson, Attorney for Plaintiff

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the undersigned
hereby appear as counsel of record for defendant SEATTLE POLICE DEPARTMENT,
without waiving the questions of:

1. Lack of jurisdiction over the subject matter;
2. Lack of jurisdiction over the person;
3. Improper venue;
4. Insufficiency of process;

NOTICE OF APPEARANCE - 1

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EXHIBIT

F

STAFFORD FREY COOPER
Professional Corporation

ATTORNEYS
3100 TWO UNION SQUARE
601 UNION STREET
SEATTLE, WASHINGTON 98101-1374
TEL (206) 623-9900
FAX (206) 624-6885

5. Insufficiency of service of process;
6. Failure to state a claim upon which relief may be granted; and
7. Failure to join a party under Rule 19.

YOU ARE FURTHER NOTIFIED that all further papers and pleadings herein, except original process, shall be served upon the undersigned attorneys at the address stated below.

DATED this 12 day of September, 2003.

STAFFORD FREY COOPER
Professional Corporation

By

Stephen P. Larson, WSBA #4959
Blake E. Dias, WSBA #28169
Attorneys for Defendants

NOTICE OF APPEARANCE - 2

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STAFFORD FREY COOPER
Professional Corporation

ATTORNEYS
3100 TWO UNION SQUARE
601 UNION STREET
SEATTLE, WASHINGTON 98101-1374
TEL (206) 623-9900
FAX (206) 624-6885

Certificate of Service

The undersigned certifies under the penalty of perjury according to the laws of the United States and the State of Washington that on this date I caused to be served in the manner noted below a copy of this document entitled **NOTICE OF APPEARANCE** on the following individual:

Michael L. Johnson
Hardman & Johnson
119 First Avenue South, Suite 200
Seattle, WA 98104

Attorneys for Plaintiff

☐ Via Messenger
☒ Via Mail

DATED this 12 day of September, 2003 at Seattle, Washington.


Sally Phillips

NOTICE OF APPEARANCE - 3

\\EARTH\DATA\CLIENTS\3019\25174\PLD NOA SEATTLEPOLICEDEPT.DOC

STAFFORD FREY COOPER
Professional Corporation

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601 UNION STREET
SEATTLE, WASHINGTON 98101-1374
TEL. (206) 623-9900
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